



New South Wales

# Thoroughbred Racing Amendment (Racing NSW Accountability) Bill 2024

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# Thoroughbred Racing Amendment (Racing NSW Accountability) Bill 2024

No. \_\_\_\_\_, 2024

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## **A Bill for**

An Act to amend the Thoroughbred Racing Act 1996 to make Racing NSW accountable to the Independent Commission Against Corruption and the NSW Auditor General, and to confirm the powers of the Legislative Council to call for papers held by Racing NSW and for Racing NSW representatives to appear before Budget Estimates; and for related purposes.

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**The Legislature of New South Wales enacts—**

**Part 1 Preliminary**

**1 Name of Act**

*Thoroughbred Racing Amendment (Racing NSW Accountability) Act 2024.*

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Objects of the Act**

- (1) To subject Racing NSW to Parliamentary oversight.
- (2) To subject Racing NSW to the Auditor-General's powers of audit.
- (3) To subject Racing NSW to the ICAC's powers of inquiry and investigation.
- (4) To provide for regular statutory review of the Act to maintain its relevance and effectiveness.

**4 Definitions**

- (1) Subject to (2), the Dictionary defines the words used in this Act.
- (2) For matters arising under sec. 18C, the Dictionary to the *Independent Commission Against Corruption Act 1988* (NSW) defines words used in this section.

## Part 2 Amendments

### 5 Section 5

Omit the section. Insert instead—

#### **Racing NSW independent of Government except in certain circumstances**

- (1) Racing NSW—
  - (a) does not represent the Crown, and
  - (b) is not subject to direction or control by or on behalf of the Minister or Government, except as provided by subsec. (2).
- (2) Racing NSW is subject to the direction or control of the Minister for the purposes of accountability to the Parliament.

### 6 Section 18B

Insert after section 18A—

#### **18B Financial reports and statements subject to audit by Auditor-General**

The financial reports and statements of Racing NSW are subject to audit by the Auditor-General.

**Note—** The effect of this requirement is that under the Government Sector Audit Act 1983 Racing NSW is an auditable entity and the Chief Executive of Racing NSW is the accountable authority for Racing NSW.

### 7 Section 18C

Insert after new section 18B—

#### **18C Racing NSW subject to the Independent Commission Against Corruption**

Racing NSW is subject to the investigatory and inquiry powers of ICAC.

**Note—** The effect of this requirement is that ICAC has jurisdiction to investigate and inquire into allegations of corruption.

## 8 Section 53

Insert new section 53—

### **Review of Act**

- (1) The Minister must review this Act to determine whether —
  - (a) the policy objectives of, and oversight mechanisms provided by, the Act remain valid, and
  - (b) the terms of the Act remain appropriate for securing the objectives.
- (2) In conducting the review, the Minister must consult with horse racing industry stakeholders.
- (3) A review under this section must be undertaken —
  - (a) as soon as possible after the commencement after this section, and
  - (b) at intervals of 5 years after the first review.
- (4) A report on the outcome of each review must be tabled in each House of Parliament —
  - (a) for the first review — within 6 months after the commencement of this section, and
  - (b) for each subsequent review — within 5 years after the last report was tabled.